**GORDON S. WOOD’S “The Origins of the Constitution”**

* Wood describes the period between 1763 and 1803 as critical to the development of modern constitutional governments. The most important event in this period was the 1787 Philadelphia Convention; however, the Articles of Confederation was also a groundbreaking document.

1. Creating an *actual written constitution* – to limit the powers of government – was a

key step in the development of republican governments.

2. Establishing a constitution with an well-developed amendment procedure in place

was an important new technique – the Constitution’s was a more successful model.

3. Using an “extralegal” convention to write the document, and having it ratified by

state conventions allowed for a peaceful change of government, and allowed for the

“consent of the people” to make the new government legitimate.

4. The Constitution also established the practice of Judicial Review – allowing the courts

to supervise state and national laws to ensure constitutionality.

**What were the actual weaknesses of the Articles of Confederation?**

* No power to regulate commerce.
* No power to tax
* No Lawmaking authority

Unless the states unanimously approved one of the above measures, it could not go into effect.

* All states had equal power in the Congress – meaning tiny Rhode Island could prevent a law from going into effect with a “NO” vote! And they did…
* The Articles of Confederation was more a “firm league of friendship” than a national government.

**Was the Articles of Confederation a *WEAK* national government?**

* It certainly wasn’t considered one at the time.
* The Articles allowed the Congress to conduct diplomacy for all of the states.
* It requisitioned soldiers and raised the Continental Army.
* The Congress borrowed money from abroad to finance the war.
* The Congress forbid states from independently conducting foreign policy: declaring war or making treaties.

Wood asks his readers to compare the accomplishments of this government to the efforts required to maintain the European Union – it doesn’t look so bad in comparison!

* Most importantly, the government won Independence for the USA by winning the Revolutionary War and negotiating the Treaty of Paris of 1783.

**THE “CRITICAL PERIOD”** – The “Critical Period” refers to the years between the conclusion of the Revolutionary War at Yorktown (1781) and the Philadelphia Convention (1787) which many Americans viewed as an alarmingly dangerous period… But was it? There was a short recession during the period, and some unrest in a communities around America; however, several historians – notably Charles Beard and Frederick Jackson Turner – suggest that most of the fears were contrived! That is to say, things were not nearly as frightening as some individuals projected they were. There was a desire on the part of some for a stronger national government.

**For the reasons above, Congress approved the Philadelphia Convention “for the sole and express purpose of revising the Articles of Confederation.”**

**STATE PROBLEMS**

* State legislatures had grown in size and were becoming increasingly representative of the people: all of the people, especially the poor and in debt.
* As these legislatures produced laws that suited their particular needs, confusion over contract laws, creditor-debtor relationships, and land ownership emerged.
* Stay Laws, paper money bills, and debtor relief legislation often appeared to be “too much democracy.” In other words, a ***majoritarian tyranny***.
* After major disturbances like Shays’ Rebellion, many leaders – George Washington, Hamilton, Madison, and Benjamin Rush just to name a few – began to seek a more energetic and vigorous national government to control the overly democratic state legislatures.

**NATIONAL PROBLEMS**

* Paper money inflation.
* A lack of experienced leadership
* Public debt needed to be paid – to France, Spain, Holland, and to the Loyalists… maybe…
* The Continental Army needed to be paid for their service – a coup d’état would certainly have taken place if Washington had not intervened.
* When Robert Morris attempted to resolve some of these issues by getting an import duty established, he was undermined by the need for a unanimous vote to create any new laws. Virginia and Rhode Island prevented the duty from taking effect – and prevented the government from paying its debts.
* Little respect for American diplomats – Adams, Jefferson failed to open European markets for our goods; Barbary pirates seize ships and kidnap sailors – force them into slavery. The British still maintain forts in the NW, since Americans hav not restored Loyalists property.
* Fears of English or even Spanish attacks on the United States continue.